

1 THE HONORABLE MARSHA J. PECHMAN
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 YASMINE MAHONE, an individual, and
10 BRANDON TOLE, an individual, on behalf of
themselves and all others similarly situated,

11 Plaintiffs,

12 v.

13 AMAZON.COM, INC., a Delaware corporation,
14 AMAZON.COM SERVICES LLC; a Delaware
15 Limited Liability Company; AMAZON.COM
16 DEDC, LLC; a Delaware Limited Liability
Company; and AMAZON.COM KYDC LLC, a
Delaware Limited Liability Company,

17 Defendants.

Case No. 2:22-cv-00594-MJP

**STIPULATED MOTION TO
SUPPLEMENT CLASS
CERTIFICATION MOTION AND
EXTEND CLASS
CERTIFICATION-RELATED
DEADLINES AND [PROPOSED]
ORDER**

NOTE ON MOTION CALENDAR:
NOVEMBER 22, 2023

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19 **STIPULATION**

20 Pursuant to Local Rules 7(d)(1), 10(g), and 16(b)(6), Plaintiffs Yasmine Mahone and
21 Brandon Tole, and Defendants Amazon.com, Inc., Amazon.com Services LLC, Amazon.com
22 DEDC, LLC, and Amazon.com KYDC LLC (“Amazon”) (together, the “parties”) respectfully
23 request a modest modification to the class-certification briefing schedule in light of additional
24 discovery undertaken pursuant to the Court’s Order on the parties Rule 37 Submissions.

25 1. On April 10, 2023, the Court issued a Case Scheduling Order (Dkt. #58). On July
26 20, 2023, the Court granted the parties’ stipulated motion to extend certain class certification

1 related deadlines (Dkt. #64). After the parties made good faith efforts to complete all class
 2 discovery within the scheduled time frame, the parties agreed to utilize the expedited joint motion
 3 procedure under LCR 37 to resolve a few discrete outstanding discovery disputes (Dkt. #65). On
 4 September 5, 2023, the Court granted the parties' stipulated motion to extend certain class
 5 certification-related deadlines and to set a briefing schedule for the expedited joint motion
 6 procedure under LCR 37 (Dkt. #66).

7 2. On October 13, 2023, while the LCR 37 submissions were pending before the
 8 Court, Plaintiffs filed their Motion for Class Certification (Dkt. #70). The deadline for Amazon's
 9 Response to the Motion for Class Certification is currently December 15, 2023, and the deadline
 10 for Plaintiffs' Reply is currently January 15, 2024 (Dkt. #66).

11 3. On October 19, 2023, the Court granted the parties' LCR 37 submissions in part
 12 and denied them in part (Dkt. #77). The Court ordered both parties to supplement certain discovery
 13 responses and for Amazon to produce additional 30(b)(6) witnesses on certain topics.

14 4. Plaintiffs took the additional depositions and the parties supplemented their
 15 discovery responses as ordered by the Court by November 2. The parties met and conferred
 16 regarding Amazon's supplemental responses on several occasions. Plaintiffs demanded that
 17 Amazon re-produce the responsive data in columns within the subject spreadsheet [3324] at issue
 18 in the discovery requests, and produce certain additional data that Plaintiffs contend is responsive
 19 to the requests at issue as ordered by the Court. Amazon is conducting additional diligence to
 20 confirm the accessibility of the additional data requested by Plaintiffs. Amazon will complete the
 21 agreed upon production no later than December 16, 2023.

22 5. Rule 16 provides that "a schedule may be modified only for good cause and with
 23 the judge's consent." Fed. R. Civ. P. 16(b)(4); Local Rule 16(b)(6). "Rule 16(b)'s 'good cause'
 24 standard primarily considers the diligence of the party seeking the amendment." *Miller v. Sawant*,
 25 No. C18-506 MJP, 2022 WL 17168530, at *1 (W.D. Wash. Nov. 22, 2022) (citing *Johnson v.*
 26 *Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)). The district court may modify

1 the pretrial schedule “if it cannot reasonably be met despite the diligence of the party seeking the
2 extension.” *Kneadler v. Auburn Sch. Dist.*, 2021 U.S. Dist. LEXIS 115458, *1 (W.D. Wash., June
3 17, 2021) (citing Fed. R. Civ. P. 16 advisory committee’s notes (1983 amendment)).

4 6. Good cause exists to modify the class-certification briefing schedule set by the
5 Court. Given the additional discovery that has been undertaken pursuant to the Court’s prior ruling
6 on the parties’ Rule 37 Submissions, and Amazon’s current efforts to re-produce certain data and
7 further respond to Plaintiffs’ requests, the parties have agreed, pending the Court’s approval, that
8 Plaintiffs may supplement their Motion for Class Certification. The parties propose that Plaintiffs
9 file their Supplemental Brief in Support of their Motion for Class Certification by January 5, 2024;
10 that Defendant file its Response to the Motion for Class Certification by February 5, 2024; and
11 that Plaintiffs file their Reply by March 4, 2024.

12 7. There have been three prior requests to extend the deadlines set in the Court’s April
13 10, 2023 Case Scheduling Order. Extending the deadlines as stipulated would not presently affect
14 any other scheduled dates in the proceeding.

RESPECTFULLY SUBMITTED this 22nd of November 2023.

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STIPULATION TO SUPPLEMENT CLASS
CERTIFICATION MOTION AND EXTEND
CLASS DEADLINES – 4
(Case No. 22-CV-594)

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*Counsel for Plaintiffs and the
Proposed Putative Class*

1 **PROPOSED ORDER**

2 Based upon the foregoing Stipulation, **IT IS SO ORDERED.**

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4 DATED this 28th day of November 2023.

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8 Marsha J. Pechman
9 United States Senior District Judge

10 PRESENTED BY:

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26 STIPULATION TO SUPPLEMENT CLASS
CERTIFICATION MOTION AND EXTEND
CLASS DEADLINES – 6
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